

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv72**

JENNIFER MARIE JONES,

Plaintiff,

Vs.

COMSYS IT PARTNERS, INC., et al.,

Defendants.

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ORDER

THIS MATTER is before the court on defendants’ Motion for Settlement Agreement Enforcement (#111) and plaintiff’s Motion to Compel (#112). On August 30, 2011, the court entered an Order based on the parties’ “Case Settlement Notice,” and provided in that Order that the

court will administratively close this matter until November 1, 2011. By such date, the parties shall either file their stipulation of dismissal with prejudice or, failing such, the court will dismiss this case on that date without prejudice.

Order (#104). Since entering that Order, the court has twice entered orders enlarging that deadline, apparently due to problems with plaintiff executing the formal settlement agreement.

Despite such extensions, defendant has now moved to enforce the settlement agreement and plaintiff has filed a Motion to Compel. In her nine-page Motion to Compel, plaintiff details calls, emails, as well as discussions with her own counsel (whom she apparently fired). In conclusion, she asks the court to compel “Defendants to fully honor and execute the Settlement and Release Agreement” Motion to Compel, at p. 7. She also requests damages, attorneys fees, expenses, and sanctions.

At this point, it appears that the parties are seeking the same thing: enforcement of the

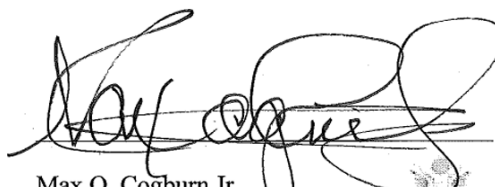
settlement agreement. While it makes little sense to have the court involved in the settlement where everyone agrees, the court will schedule these motions for final hearing on January 18, 2012.

If a hearing is necessary, i.e., if a stipulation of dismissal has not been filed by that date, the parties should be prepared to exchange and execute whatever documents and instruments are necessary at that hearing, as the court anticipates that at the conclusion of the hearing this action will be dismissed with prejudice. As the issues have been fully presented, the court anticipates that no further pleadings will be filed with the court, other than a Stipulation of Dismissal.

ORDER

IT IS, THEREFORE, ORDERED that the defendants' Motion for Settlement Agreement Enforcement (#111) and plaintiff's Motion to Compel (#112) are **Calendared** for hearing on January 18, 2012, at a time to be noticed by the Clerk of Court.

Signed: December 22, 2011



Max O. Cogburn Jr.
United States District Judge